The
REPORTER
For Conscience' Sake

VOLUME X | FEBRUARY, 1953 | NUMBER 2

California Judges Grant Probation

Henry Richard Laemmlen, a Mennonite conscientious objector, was given probationary sentence on January 15 by U. S. District Judge Campbell E. Beaumont at Fresna, California.

Probation is for two years, conditioned on employment by the Menonite Central Committee at its King's View Homes, a mental hospital at Reedley. Beginning of sentence was deferred to February 8, permitting Laemmlen to finish first semester's work at the University of California Agricultural College.

Folowing denial of I-O classification by local, state, and Presidential appeal boards, Henry refused induction into the armed forces on August 29, 1952. After a three-day trial ending on January 8, 1953, the jury found him guilty of violatin gthe Selective Service Act.

According to the defense attorney, J. B. Teitz, this is the first Selective Service probationary sentence in the North Division (Fresno) of the Southern California Judicial District, since 1948, when a Molokan received such a sentence on the condition that he enter a CPS camp.

Second Prosecution Yields 5-Year Probation

On February 2, Gilbert Hodgson McFadden, who had already served a three-year sentence in Tucson Prison, was given probation for five years by U. S. Judge Ernest A. Tolin at Los Angeles. Probation was granted under minimum restrictions and Gilbert plans to resume his studies.

Judge Tolin, a former U. S. Attorney himself, demanded explanation why the U. S. Attorney's office was prosecuting conscientious objectors who have already served prison terms.

McFadden is a 21-year-old Methodist nonregistrant and a student at Occidental College.

Prison Visitation Policy of World War II Continued By NSBRO Directors

The prison visitation program, begun during World War II, is being continued by the NSBRO Board of Directors. Differing from the plan of World War II, when full time visitors were employed, the present visitation program is carried on by the staff, with the help of volunteer workers for the more distant points. With an increasing number of men facing prison because of refusal of draft boards to grant the I-O classification, the program takes on great significance. Recent visits indicate that men from a great variety of backgrounds are now in prison including, in addition to Muslims and Jehovah's Witnesses (neither regarded as COs), men from the Episcopalian, Progressive Brethren, Quaker, Brethren, Mennonite, Methodist, Evangelical United Brethren, Plymouth Brethren, the Lord Our Righteousness, Russellite, and other religious groups. These men express deep appreciation for visitors and mail. Thanks to urging by CCCO, WRL, and others these men each received over 400 cards over Christmas. Only face to face contact with men in prison reveals fully the price many men are paying for adherence to conscience. They should be remembered in the prayers of all.

ARVIO SENTENCED

Ray Arvio for many months an assistant in the CCCO office in Philadelphia, has been sentenced as a nonregistrant. His court testimony was very signficant.

THANK YOU FOR YOUR GIFT

Our hearty thanks to the many REPORTER subscribers and others who have responded to our recent promotional material, describing CO problems today, with substantial gifts and words of encouragement. Our thanks to those who are still planning to help with their remittances and greetings.

MAY AND THOMAS PARDONED; WHY NOT COs?

Just before leaving office, President Truman pardoned two violators of the law, from among former members of Congress—Andrew May and J. Parnell Thomas. These men went to jail for violations of accepted standards of honesty and integrity, as well as the law. Why could not a great number of objectors, who went to prison because of their adherence to deeply held convictions of conscience, also be pardoned? We hope President Eisenhower accepts the challenge to pardon these men, and thus restore their civil liberties.

NATIONAL COUNCIL OFFICIAL VISITS COs IN PRISONS

The Reverend Paul L. Tilden, Associate Director, Department of Pastoral Services, National Council of Churches in the U. S. A., has recently visited a number of objectors in prison. He has responsibility for Protestant religious services in all federal prisons and prison camps throughout the United States.

Conscientious Objection Recognized In German Constitution

It is interesting to recall that Article 4, Section I, on Basic Rights, of the Basic Law for the Federal Republic of Germany, recognizes conscientious objectors, as noncombatants, to military service. Article 4, part (3) reads: "No one may be compelled against his conscience to perform war service as a combatant. Details shall be regulated by a federal law."

The Reporter

For Conscience' Sake
Published by the
National Service Board for Religious Objectors

1106 K Street, N.W., Washington 5, D. C.

Board of Directors
Orie O. Miller, Chairman
W. Harold Row, Vice-Chairman
James A. Crain, Recording Secretary
Huber F. Klemme, Treasurer
E. LeRoy Dakin

Executive Secretary — A. Stauffer Curry
Associate Secretary — Elmer Neufeld
Consultative Counsel — Robert B. Myers
Office Manager — Verna L. Rapp
Office Secretaries — Ann Hunt, Orietta Brandt
Richard Coffman

Application for Second Class Matter Pending Washington, D. C.
Subscription: $1.00 Per Year
Published Monthly

Government Requests Supreme Court Action On CO Court Cases

For a long time, lawyers have tried in vain to persuade the courts to acquit conscientious objectors on the ground that the FBI report made under the provisions of the Selective Service Act is never made available to the court, to the appeal board, or to the objector. If the conscientious objector has failed to get the CO classification he seeks and refuses induction into the armed services, the FBI report may well help to bring about his indictment and eventual conviction, while it is a fundamental principle of law that an accused person has a right in court tc be confronted by and to cross examine his accusers.

In recent months the U. S. Court of Appeals for Second Circuit (New York and Connecticut) has held in two cases that refusal to make available the FBI report is a denial of due process. The first case to be decided for the defendant by the Court of Appeals on this point was *U. S. vs. Harry Gray Nugent*, decided on November 10, 1952. The second was *U. S .vs. Lester Packer*, decided on December 31, 1952. In addition to these two Court of Appeals decisions, Judge J. Joseph Smith of the District Court for Connecticut found Joseph Oller, Jr., and Raymond T. Donovan "not guilty" on the same ground on July 28, 1952. Judge C. C. Hincks of the same court acquitted Andrew Geyer on the same ground October 7, 1952. About a month later, Judge Smith acquitted Nicholas W. Christiano for the same reason.

The particular point of law has never been adjudicated by the U. S. Supreme Court, but at least three cases are currently being appealed to that body. (The government is petitioning for writs of ceritorari in the Nugent and Packer cases, and Attorney J. B. Tietz in California in the Ted Head case.) Last year Attorney Stanley Robinson tried to get Supreme Court consideration of this matter in the case of *Imboden vs. U. S.*, 194 F. 2nd 508 (Sixth Circuit), but the Supreme Court refused his petition for writ of certiorari.

By reason of these decisions in the Second Circuit, various conscientious objectors cases in New York has been removed from the trial docket pending the ruling of the Supreme Court on this matter.

DR. VAN KIRK REPORTS TO CHURCH COUNCIL ON COs

Dr. Walter W. Van Kirk recently reported on the status of COs in a statement to the National Council of Churches' Department of International Justice and Goodwill during the biannual meeting of the Council in Denver. After describing the status of objectors under the law, Dr. Van Kirk, Executive Secretary of the Department, continued: "The . . . National Council on January 17, 1951, adopted a statement supporting 'legislation which recognized the rights and duties of conscientious objectors.' In seeking to serve the conscientious objectors in our churches, the Department of International Justice and Goodwill is cooperating closely with the National Service Board for Religious Objectors. . . . The Department is a member of the Consultative Council of the NSBRO."

Hans Buchinger Granted Citizenship

Hans Buchinger, a conscientious objector and Assistant Professor of Modern Languages at Earlham College, was finally admitted to U. S. citizenship at Richmond, Indiana, by Circuit Judge G. H. Hoelscher on January 29. Professor Buchinger is a former German national and a Quaker.

Buchinger first applied for his final papers last spring, and appeared before the court on April 18, 1952. At that hearing Judge Hoelscher, who had expressed himself as personally opposed to the "alternate" oath for pacifists in the Internal Security Act of 1950, delayed the matter until Buchinger could produce "clear and convincing" evidence of the religious training and belief which had led to his pacifist convictions.

Last spring, at the same April 18 hearing, Judge Hoelscher granted citizenship to Mrs. Echo Marie Petry, a pacifist from Canada, allowing her to take the "alternate" oath.

GOVERNMENT REQUESTS

(Continued)

States List Agencies For CO Employment

Utah

This state reports that all objectors have been placed in positions satisfactory to both the employer and registrant. The employing agencies "are cooperating with the registrant in working out a pay scale equivalent to that of the armed forces." Seven agencies have been listed, including mental, TB, and general hospitals, industrial schools, and others. The usual type of job is available. Out-of-state men have not been employed.

Vermont

This state will not employ out-of-state attendants in one of two approved state mental hospitals. The pay at one hospital is 95 dollars per month for a 48 hour week, with straight pay for overtime up to 60 hours. Board, room, and laundry are in addition. Wages are raised every three months until a maximum of 119 dollars basic wage is reached. Another hospital pays a slightly higher beginning salary. All placements are through the state Personnel Director who will contact the hospitals and work in placing objectors when vacancies occur. The state will receive applications from out of state.

West Virginia

A long list of two dozen children's homes, homes for aged, school for mentally defective, industrial homes, prisons, TB sanatoria, mental hospitals, and other institutions are on the approved list for CO employment. Salaries are uncertain, but seem to range from 100 dollars per month, plus board, room and clothing, to several thousand dollars per year. These institutions are supervised by the State Board of Control, and offer jobs as orderlies, janitors, male nurses, and other workers. The rate of pay is to go up to 120 to 130 dollars per month next July 1.

OVER A SCORE OF CO COURT CASES AWAIT OUTCOME OF SUPREME COURT CASE

Because of far reaching effects in the event the Nugent case is not reversed by the Supreme Court, a score or more of Circuit (New York, Connecticut, Vercases are being postponed in the Second mont) California and elsewhere. The Nugent case was given acquittal in the Circuit Court because the registrant was not given access to FBI files. Should the case be upheld in the Supreme Court, there may be revolutionary changes in the investigation and appeal procedures of CO cases.

Baptists, Brethren, Mennonites, Methodists And Presbyterians Now Employing Objectors at Home and Abroad

Five denominational informal committees and service agencies are now employing conscientious objectors with the I-W classification in their on-going domestic and overseas programs. These agencies are not operating a CPS program as was done during World War II, but simply employ qualified objectors when openings occur in their regular programs on the same basis as regular non-I-W personnel. The government has given approval to many phases of the work of these agencies of fitting the definition of civilian work in the Selective Service regulations. A complete listing of the "projects" and places of employment of these agencies is included in the total listing of approved employing agencies for CIs. (This total list, completely revised and up-to-date, is available for NSBRO for 20 cents, plus postage).

Information on specific job openings at any given time with these informal committees and agencies can be secured by contacting the following addresses:

Baptist Service Committee, 164 Fifth Avenue, New York 10, New York.

Brethren Service Commission, 22 South State Street, Elgin, Illinois.

Mennonite Central Committee, Akron, Pennsylvania.

Methodist Service Program, P. O. Box 871, Nashville 2, Tennessee.

Presbyterian Service Committee, 830 Witherspoon Building, Philadelphia, Pennsylvania.

Information on these opportunities is also available from National Service Board, 1105 K Street, N.W., Washington 5, D. C.

Types of service include work in denominational hospitals, children's homes, old folks' homes, community centers, foreign service projects, and similar types of church work.

NATIONAL BUREAU OF STANDARDS APPROVED

The National Bureau of Standards, Washington 25, D. C., has been approved as an employing agency for objectors. Other federal agencies on the approved list are the Public Health Service, Veterans Administration, Indian Service and other divisions of the Department of the Interior, Mutual Security Agency, Technical Cooperation Administration and Point Four Program of the Department of State, Public Health Service of the Federal Security Agency, the Department of Agriculture, the Department of Labor and United Nations Organization.

MANY LOCAL GOODWILL INDUSTRIES ON APPROVED LIST

Many local Goodwill Industries have been approved by State Directors of Selective Service for the employment of objectors. Blanket approval had been given months ago by National Selective Service. Detailed information can be secured from the national office of Goodwill Industries, Inc., 1218 New Hampshire Ave., N.W., Washington, D. C. Approximately forty local units approved by Selective Service state directors are on the newly-compiled NSBRO work agency list.

NEARLY ONE THOUSAND MEN IN CIVILIAN SERVICE AT YEAR'S END

As of December 31, 1952, the latest date for which official figures are available, the tally of COs in I-O and I-W is as follows:

I-Os, examined and acceptable	2,690
I-Os, not examined	2,680
I-Ws, in civilian work	875
Total	6,251

It is known that since the beginning of the year many more men entered civilian service, meaning that probably many more than 1000 men are now in I-W.

Early estimates by national Selective Service are that about 58 per cent of these men are with state governmental agencies, and 42 per cent with private nonprofit agencies. However, since this early estimate, it has become obvious to NSBRO that a much higher per cent is now employed by state governmental agencies.

REVISED EMPLOYING AGENCY LIST AVAILABLE

A complete, up-to-date, revised list of national, state, local, and private nonprofit agencies and institutions employing objectors is available, at 20 cents per copy, plus postage, from the National Service Board, 1105 K Street, N.W., Washington 5, D. C. This list is invaluable for men asked to secure a job by local boards and who feel they can, in conscience, seek a job.

Job Vacancies

Physician, specialist in chest diseases, particularly TB. Salary, 8736 dollars per annum. To serve in Pago Pago, American Samoa. Must sign two-year employment agreement. Transportation to and from job provided. Apply to Director, Office of Territories, Department of Interior, Washington 25, D. C.

Physician, general practitioner. Salary, 8242 dollars per annum. To serve in Pago Pago, American Samoa. Two-year employment agreement required. Transportation provided. Apply to Director, Office of Territories, Department of Interior, Washington 24, D. C.

Psychiatrist, or psychiatrist in training. Child Guidance Clinic, c/o Dr. Graves, 1215 South Limestone Street, Springfield, Ohio.

Clinical workers. About 30 positions open in the University of Chicago Clinics, which serves as the "teaching hospital" for the University of Chicago School of Medicine. Applicants will be considered from any state and should address their requests to Mr. Ray D. Brown, Superintendent, University of Chicago Clinics, Chicago 37, Illinois.

Hospital workers. Alexian Brothers Hospital, Chicago, Illinois, will now consider out-of-state applicants for hospital work there.

Doctor. Position open at Charles V. Chapin Hospital, Providence 8, Rhode Island. Salary, $100 per month, plus room and board.

Doctor. A position is open with the Cumberland Clinic Foundation, Crossville, Tennessee.

VIRGINIA APPROVES AGRICULTURAL EXPERIMENT STATIONS, HEALTH CENTERS

In a new list of employment opportunities released by the Virginia headquarters, ten agricultural experimental stations, three state sanatoria, the Department of Health, and the Medical College of Virginia were listed as approved employers of qualified objectors. Field stations and centers of research in beef cattle, pasture, tobacco, and other specialties are on the list of agricultural opportunities. Address of these agencies can be secured by writing the National Service Board.

NINTH SUPPLEMENTAL LIST

The Ninth Supplemental List of approved employing agencies was released by Selective Service on February 10. Over 700 institutions and agencies are now on the list. Wisconsin alone has 400 institutions on this list. NSBRO's 46-page Work Agency Listing is revised to include this ninth supplement. Send for a copy at 20c each, plus postage.

Letter From National Director Answers Memo on CPS Recognition

While the possibilities seemed good, for a time, that no more CPS men will be drafted, word has come that, officially, CPS service cannot be recognized, in lieu of present civilian service, without a change in the law. Even after the consideration of a detailed memo presented by NSBRO, and drafted by the best legal talent available, national officials state that CPS service will not necesarily relieve a registrant from further civilian service under the present law.

Suggested Procedure

However, a recent regulation change gives the national director of Selective Service authority to release men from civilian service before two years expire, for whatever reasons he deems good. Therefore, we suggest that all former CPS men who are ordered to civilian service present their cases to the National Director and ask for a release. This can be done through NSBRO, if the individual registrant desires. NSB will be glad to supply further information regarding procedures in requesting release by the National Director.

CHANGE IN DEFINITION OF "TYPES" OF WORK ISSUED IN DIRECTIVE

In a recent directive to state directors, known as revised Operations Bulletin No. 79, the definition of "types" of work, as given in the original Operations Bulletin No. 79, was changed. In the original bulletin it was stated that the entry of the name of the employer in the appropriate space on Form 153 shall be considered as an order to a type of work. Thus the entry of the name "Mennonite Central Committee" had been regarded as a type of work. Now, however, the Order to Report for Civilian Work, Form 153, shall read, for example, "you have been assigned to *welfare work* with the Mennonite Central Committee" rather than "you have been assigned to the Mennonite Central Committee". Specific jobs such as "attendant", "nurse", "truck driver", etc., are not to be used on Form 153.

This change has several possible implications. First, it more nearly follows the dictionary definition of the term "type". The former meaning in the directive actually made the name of an organization synonymous with "types". Second, when the registrant fills in Form 152, on which he is to list types of work in which he is interested, this new meaning of "types" of work will probably give him much more latitude. For example, the listing of "institutional work" as a type may give him a choice of hundreds of institutions having work of this type; whereas the use of place of work as a "type" would limit the choice of actual jobs available. Third, private nonprofit agencies employing COs may categorize their jobs into broad types. Prob-

The reason for the change was the apprehension of officials that, in the event of a court case involving a refusal to report for civilian work, some clever lawyer might use the argument that a work assignment was not valid when place of work was used synonymously with "type" and the case would be lost . . . from the government's point of view. (This analysis according to a government spokesman.)

In a letter of February 9, addressed to Orie Miller, Board chairman, General Hershey says:

> Since this provision is so specific and since there is no other provision covering service of conscientious objectors in CPS camps during those periods, I am convinced that an amendment to the law would be required in order to relieve conscientious objectors from civilian work in lie uof induction under Section 6(j) as a matter of right because of their service as conscientious objectors under section 5 (g) of the Selective Service Training and Service Act of 1940.

General Hershey then refers to Section 1660.21(d) of the regulations, granting him power to discharge COs at any time, and says:

> While this provision does not authorize the Director to relieve a conscientious objector from liability for civilian work in lieu of induction, it does authorize him to shorten the period of service when he deems it to be advisable. I would be very glad to have you discuss with me individual cases in which you believe that former service should be a factor to be considered by me in determining the advisability of a release from work under section 1660.21(d) of the regulations.

CHANGE IN DEFINITION

(Continued)

New UMT Bill Would Limit Civilian Service Conditions For COs

Section 35 of S. 605, the new UMT bill cited as the "National Security Training Corps Act", introduced January 23 by Senator Saltonstall and eight other Senators, would limit the services of conscientious objectors by addition to the present Section 6(j) of the draft law the following words:

> Provided, That, if the objector is found to be conscientiously opposed to participation in noncombatant training in the corps, the civilian training or work which he shall be required to perform, in lieu of induction into the corps, shall be for a period equal to the period of training in the corps, and he shall be required to devote to such training or work the same number of hours as are the trainees and shall have no more freedom or leave than do they.

The bill was introduced into the Senate "by request" . . . probably the request of well-known veterans organizations. Observers agree that UMT will probably not come up during the present session of Congress.

'THREE TYPES' PREFERABLE TO 'SUCH TYPES'

A suggestion that the wording of section 1660.20 of the regulations be changed by using the words "such types" of work instead of "three types" of work has been considered by members and affiliates of the NSBRO Board of Directors. The unanimous decision is that the wording "three types," as it now stands, is preferable to "such types." The wording occurs where the regulations ask that a I-O registrant submit three types of work to the local board, and the local board submit three types of work to the registrant under certain circumstances. The indefiniteness and possible limited meaning of "such types" were factors in the consideration.

THE REPORTER
For Conscience' Sake
1105 K STREET, N. W.
WASHINGTON 5, D. C.

Application for Second Class Matter
Pending, Washington, D. C.